

OFFICE OF THE CITY CLERK



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City Clerk
Registrar of Vital Statistics

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Deputy City Clerk

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November 20, 2018

MuckRock News
DEPT MR 63756
Attn: Lucas Smolcic Larson
411A Highland Ave.
Somerville, MA 02144-2516

Re. FOIL Request: Policies, Regulations or Ordinances Governing the Operation of Electric Scooters Within the City Limits of Buffalo, NY

Dear Mr. Larson,

The City Clerk's office has received your FOIL request recently. A responding agency has a responsibility to conduct a diligent search for existing records that are "reasonably described" in a request.

The Freedom of Information Law is based upon the presumption of access to existing records of an agency as defined under Public Officers Law §86(4). A condition precedent to gaining access to the records is that the requester must submit a request that reasonably describes the records sought, so as to enable the agency to perform a diligent search. See, *Public Officers Law §89(3)*. The Court of Appeals held that a request reasonably describes the record sought when agency staff has the ability, with reasonable effort, to locate and identify the records sought. See, *Konigsberg v. Coughlin*, 68 NY2d 245 (1986).

We searched to the extent of the attached description, and no records were found. For information of City of Buffalo departments, please see our website, www.buffalony.gov.

Should you require any further assistance, please feel free to contact our office at 851-5432.

Very truly yours,

Gerald A. Chwalinski

Gerald Chwalinski/sa

City Clerk

Enclosed

Buffalo, Ny City Clerk
FOIL Office
65 Niagara Square Room 1308
Buffalo, NY 14202

November 15, 2018

To Whom It May Concern:

Pursuant to the New York Freedom of Information Law, I hereby request the following records:

The following documents relating to the operation of electric scooter (e-scooter) sharing systems within your city:

- copies of regulations, policies, or ordinances governing the operation of e-scooters and/or e-scooter shares within city limits, on a permanent or pilot basis
- applications or requests by electronic scooter companies to operate within city limits, including all attachments, submitted between January 1st, 2017 and the date this request is fulfilled
- data sharing agreements between the city and any past or present e-scooter operators in effect between January 1, 2017 and the date this request is fulfilled
- impound lists, logs, or registers of electric scooters impounded by the city

Dockless e-scooter shares are operated by a variety of private companies, including but not limited to Bird Rides Inc., Neutron Holdings Inc. dba Lime (formerly LimeBike), Spin, Scoot, Ofo, Razor, Hopr (formerly CycleHop), USScooter, JUMP (a subsidiary of Uber), Lyft, GOAT, and Ridecell.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Lucas Smolcic Larson

Filed via MuckRock.com
E-mail (Preferred): 63756-10423664@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 63756
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock

News" and the department number) requests might be returned as undeliverable.